

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,
Plaintiff,

v

Case No. 06-20136

KIRK LANAM,
Defendant.

Hon. Avern Cohn

ORDER GRANTING CERTIFICATE OF APPEALABILITY

Defendant Kirk Lanam was convicted following a jury trial of three counts of unauthorized computer intrusion in violation of 18 U.S.C. § 1030(a)(5)(A)(I) and was sentenced to 21 months imprisonment.

Defendant filed a Motion pursuant to 28 USC 2255 raising the claim that Defendant was deprived of the effective assistance of trial counsel. An evidentiary hearing was held on Defendant's motion on June 23, 2008. This Court denied the 2255 Motion in an Opinion and Order issued July 10, 2008. Defendant filed a timely Notice of Appeal on July 16, 2008.

Defendant filed a Motion for a Certificate of Appealability, requesting that a Certificate as to two issues, (1) whether this court erred in ruling that Petitioner could not testify at the evidentiary hearing conducted on his claim of ineffective assistance of trial counsel at the evidentiary hearing on the 2255 Motion, and (2) whether Petitioner was denied the effective assistance of counsel during plea negotiations and at trial. Upon consideration of that motion,

IT IS HEREBY ORDERED that a Certificate of Appealability is granted as to both issues.

Dated: September 22, 2008

s/Avern Cohn
United States District Judge